

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**LARRY L. HATHAWAY,**

**Defendant.**

**8:14CR312**

## ORDER

This matter is before the court on the joint oral motion to continue trial by defendant Larry L. Hathaway (Hathaway) and the government made during a telephone conference with counsel and the undersigned magistrate judge on September 8, 2015. The United States was represented by Assistant U.S. Attorney Michael P. Norris and Hathaway was represented by Clarence E. Mock, III. Mr. Mock represented Hathaway will file an affidavit wherein he agrees to the motion and understand the additional time will be excluded under the computations of the Speedy Trial Act. For good cause shown, the joint oral will be granted.

**IT IS ORDERED:**

1. The joint oral motion to continue trial is granted.
2. Trial of this matter is re-scheduled for **December 14, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 8, 2015, and December 14, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 8th day of September, 2015.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge